

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC.	)	CASE NO. 1:08 CV 2755
	)	
Plaintiff,	)	JUDGE WELLS
	)	
v.	)	<b><u>MOTION TO DISMISS</u></b>
	)	<b><u>PLAINTIFF'S COMPLAINT OF</u></b>
SAP AMERICA, INC., et al.	)	<b><u>DEFENDANTS SAP AMERICA,</u></b>
	)	<b><u>INC. AND SAP AG</u></b>
Defendants.	)	
	)	

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendants SAP America, Inc. and SAP AG (collectively "SAP"), hereby move this Court to dismiss Plaintiff Hodell-Natco Industries Inc.'s Complaint.

The reasons supporting this Motion are set forth in SAP's Memorandum in Support, incorporated herein by reference.

Respectfully submitted,

/s/Leo M. Spellacy, Jr., Esq.

Hugh E. McKay, Esq. (0023017 )

Leo M. Spellacy, Jr., Esq. (0067304)

Charles W. Zepp., Esq. (0068129)

PORTER WRIGHT MORRIS & ARTHUR LLP

925 Euclid Avenue, Suite 1700

Cleveland, OH 44115-1483

(216) 443-9000 / Fax (216) 443-9011

lspellacy@porterwright.com

Attorneys for Defendants,  
SAP America, Inc. and SAP AG

**CERTIFICATE OF SERVICE**

I hereby certify that on March 12, 2009 a copy of foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

Respectfully submitted,

/s/ Leo M. Spellacy, Jr.

One of the Attorneys for Defendants SAP America,  
Inc. and SAP AG